THE HON'BLE SRI JUSTICE G.CHANDRAIAH

WRIT PETITION NO.16712 OF 2005

Dated 19th day of august, 2005.

Between:

C.Palani Andi and others … petitionrs

And

1. Asst.Commissioner of Police , Hyderabad.

and others. … respondents.

THE HON'BLE SRI JUSTICE G.CHANDRAIAH

WRIT PETITION NO.16712 OF 2005

ORDER:

This writ petition is filed seeking a writ of mandamus to declare the action of the respondents 1 to 3 in interfering with the petitioners' possession and enjoyment of their land in Sy.No.104 of Machabollaram village, Thirumagiri mandal of Hyderabad mandal, as illegal and arbitrary.

It is stated that the petitioners are common shareholders of the land in an extent of Ac.2.09 cents in the above stated survey number and that originally the said land was allotted to the ancestor of the petitioners by name Late Smt.Swarnamma @ Suvarnamma by the Jagirs of Rai Purushotham Pershad and others. It is further stated that the successors of late Swarnamma entered notarized sale agreement

with the first petitioner for consideration. However, in respect of the said land petitioners filed O.S.No.656 of 2005 for injunction on the file of the III Additional Senior Civil Judge, Secunderabad and the said suit is pending. The case of the petitioners is that in connection with the subject matter of the said suit land, the official respondents are trying to interfere with the peaceful possession and enjoyment of the petitioners and harassing the petitioner to evict from the suit premises. In this regard the petitioners said to have made representation to the Commissioner of Police, but in spite of the same the police are harassing the petitioner. Hence, this writ petition.

Counter has been filed on behalf of the respondents 1 to 3 wherein they denied the allegations levelled against them.

Learned counsel for the petitioners placed reliance on the judgment of this Court in ***B.LAKSHMI KANTHAMMA vs THE SUPERINTENDENT OF POLICE, CHITTOR*** and also the order in W.P.12654 of 2004 and submitted that police authorities have no jurisdiction to interfere with the civil disputes. It is stated that the respondent-police officials cannot interfere with the civil disputes between the petitioners and the un-official respondents as the police officials cannot resolve the civil disputes between the parties.

In view of the above facts and circumstances and in view of the averments made in the counter wherein the respondents 1 to 3 denied the allegations of the petitioners and stated that they never threatened the petitioners to evict from the premises in question, this Court is of the opinion that no orders need be passed in the above writ petition.

Accordingly, the writ petition is closed.

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19.08.2005

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